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SKETCHES OF  
TALENT  
IN THE OLDEN TIME

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By J. Sand

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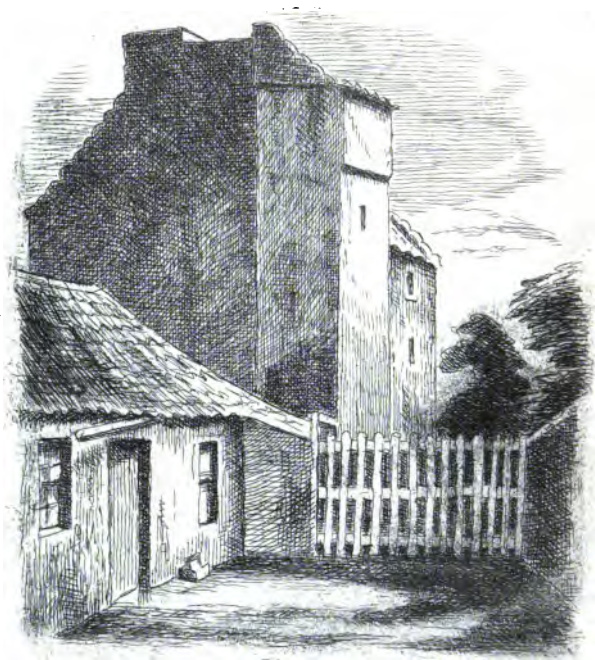
# *Sketches of Tranent*

*In the Olden Time*









# *Sketches of Tranent*

*In the Olden Time*

By J. SANDS

Author of

'*Out of the World ; or, Life in St. Kilda,*' &c.

'*Man's inhumanity to man  
Makes countless thousands mourn.*'

BURNS.



WITH ILLUSTRATIONS BY THE AUTHOR

PRINTED FOR THE AUTHOR  
BY JAMES HOGG, 9-a NORTH BANK STREET  
EDINBURGH

1881



# THE HIGHLAND MINSTREL ;

OR,

Consolation for being my own Publisher.

---

UPON that monstrous mud-heap called *The Mound*,

Which helps to join Edina old and new,

But spoils a very pretty piece of ground,

And in the lovely vale obstructs the view ;

And where Fine Art the blunder to increase

Has placed two buildings in the style of Greece,

There stood a Gael named ALASTAIR MACCRAW,

Who, by a quarry-shot was rendered blind,

And he, attention to his case to draw,

A barrel-organ all day long did grind ;

And many when they saw his eye-balls dim

Pitied and gave a coin,—but not to him !

For close beside him stood a crafty jade

Who as his lawful help-mate tried to look,

And whilst the Gael the weary organ played

The spurious wife the coppers quietly took ;

And grateful glances on the givers cast ;—

But this impostor was found out at last.

How many authors like that Gael we find,

Who even when the public ear they gain,

To tricks of trade and worldly cunning blind

Employ their mental organs all in vain ;

Who labour hard, but still make little of it,

For some sharp publisher takes all the profit.

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*It is proper to mention that the blind man in question is now attended by his genuine wife or daughter.*



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*CHAPTER I.*



**GENERAL VIEW.**

**B**







## CHAPTER I.

### GENERAL VIEW.

✻ **T**RANENT is a small town or village in East Lothian, with a population in the present year (1881) of 2,233. It is built on a gentle slope, about 300 feet above the level of the sea, and about a mile and a quarter from the estuary of the Forth. It is described in the *Gazetteers* as being a place of no importance, and 'one of the poorest looking towns in the three Lothians, though in recent times it has shown some signs of renovation.' It consists of two streets of commonplace houses and two or three squalid lanes.

Yet in this insignificant theatre, as will be seen in the following pages, some extraordinary tragedies were performed in the olden time, at which all Scotland gazed with breathless and horrified interest. Tranent can boast of a venerable antiquity. The name which was formerly spelt *Travernent*, is said by Chalmers \* to be a Cambro-British word, a relic of the

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\* Chalmers' *Caledonia*, vol. ii., p. 400.

language of the great tribe of the British Ottadini—a Celtic tribe that inhabited the district in the second century. An urn filled with human ashes, which was lately discovered in the vicinity, proves that the place was peopled in Pagan times. A few quaint old houses still remain, and carry the mind back to a more recent, although still ancient date. It is lamentable that the old church was demolished at the end of the last century. It is said to have been of great antiquity, as is still evident from the portions that exist incorporated into the hideous barn, where the present Parish Minister swings his sacerdotal flail and thrashes out the straw of the Gospel once a week. It was built in the form of a cross with a square tower, supported on pillars and arches in the centre. The roof was vaulted and covered with stone. The writer of the first statistical account of the Parish says: ‘The windows are few and ill constructed, and in a dark and gloomy day serve only to make darkness visible. Either the church has originally been sunk below the surface of the ground, or the surrounding burying ground has been much heightened by the immense number of bodies interred in it, for the access to the pulpit is by a descent of four steps from the churchyard.’ Nothing now remains of the ancient church excepting the north wall with two buttresses, west gable, and the north end of the transept. The absence of mouldings or other ornamentation in the pointed west window,

which is still visible, although built up, and the rounded arches cut in the lintel of the transept window, seem to show that the building was of an older date than the reign of David the 1st. The masonry is good, and the nicely squared stones with which the ancient church was constructed have been utilized by the tasteless Goths who erected the new.

In all probability the most ancient relic in Tranent, and one that gives the place a peculiar character is the coal waste. Other towns are built upon the solid earth; but Tranent stands upon a crust a few feet, say eighteen on an average, below the foundation of the houses. There is a vast and gloomy cavern called the *waste*—a seam from which the coal had been excavated by Scotch slaves. So thin is the sandstone crust that those who possess domiciles where it is twenty-four feet in thickness chuckle over the security they enjoy above their neighbours. In some of the houses an entrance might be had to the *waste* by lifting up the hearthstone. Cattle have been known to drop through the pasture in the neighbourhood into the waste, and the story goes that a man who was smoking his pipe at his own door suddenly went down, doorstep and all, but was fortunately rescued.\* The waste extends

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\* For this and much other information relating to Tranent, I am indebted to Mr. John Forsyth, baker and postmaster there, who possesses a most retentive memory, and takes an intelligent interest in everything past

under the churchyard and is used as a burial vault by at least one family. There is a tradition that a woman—a coal-bearer—was lost in the waste to the west of the town for over fourteen days, during which time she had nothing to eat but the candles which at that period were used in the pits instead of lamps. She had, however, an abundant supply of water, which no doubt helped to sustain life. People outside were much alarmed at her absence, and drums were beat and bagpipes played in the labyrinth in the hope that she might catch the sound and find the way out. She was at last found sitting on her coal-creel or basket. At a later date a party became bewildered in the waste, and only discovered their situation when they heard psalm-singing in the church above their heads.

In 1566 Tranent had the honour of a visit from royalty.

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and present connected with his native town. He retains a clear recollection, not only of events that have occurred within his own lengthened experience, but of those he has heard of from his mother and grandmother. He himself is not the least remarkable 'lion' of Tranent. With abilities, that, if he had been a lawyer, would probably have raised him to the bench, he has been content to labour at the vocation to which fortune had called him, and by it had acquired a competence, when the failure of the City of Glasgow Bank—like a lightning bolt from a cloudless sky—suddenly struck and left him bare. But although it shook it failed to shatter him. Like some sturdy oak he still stands, as he stood before the disaster, in honoured age, with relatives like ivy clinging to the trunk, and troops of friends sitting under his branches.—J. S.

On the 10th of February in that year, Darnley was blown up with gunpowder a few minutes after his affectionate wife had left his sick room, where she had been playing the part of a tender nurse for some eight or ten days. She was obliged to leave him in a hurry to attend the wedding of one of her maids. She was suspected of being an accomplice in the murder; and it did not escape attention that two weeks after her husband's death, whilst in the country and in the city all were shocked at the late occurrences, and felt them as a stain on their national character, the Court of Seton was occupied in gay amusements. Mary and Bothwell would shoot at the butts against Huntley and Seton, and on one occasion after winning the match, they forced these lords to pay the forfeit in the shape of a dinner at Tranent.\*

The town was famous in the olden time not only for its coals, but for its butcher meat. 'Send saut to Dysart and puddings to Tranent' was a proverb. The wreck of an ancient building has been swept away within the memory of man. Probably it was originally used for purposes of war, but tradition says it was latterly occupied as an inn, and that butchers had booths around it. It bore the name of the Pudding Tower. Another proverb testifies not only to the abundance of animal food in Tranent, but also to the scarcity

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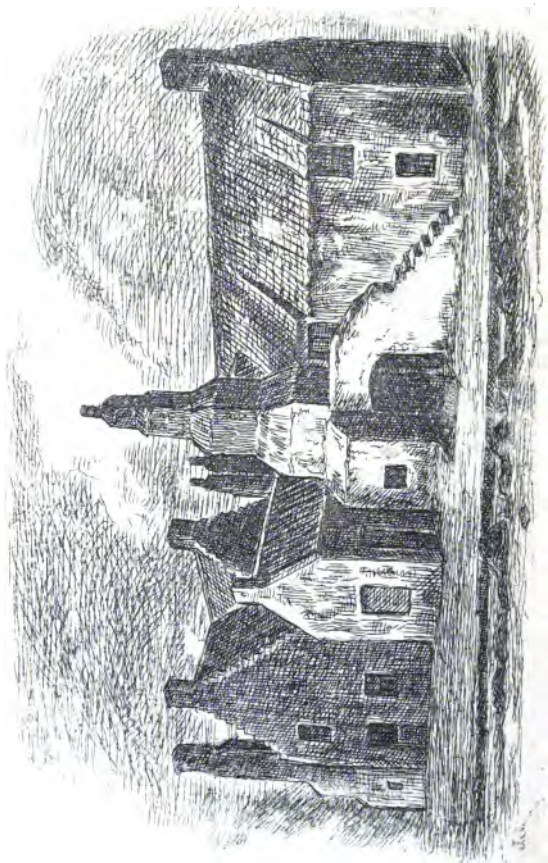
\* Tytler's *History of Scotland*.

of water. 'I can wash tripe with as little water as any woman in Tranent,' was the quaint saying of those who wanted an excuse for declining to do anything with insufficient means. In 1791 a butcher market was held in Tranent twice a week, from which Prestonpans, Ormiston, and the adjacent country were principally supplied. About 250 oxen, 70 calves, and 1350 sheep and lambs were annually slaughtered.

But at that period, as at present, there was a great want of water. There was only one spring, but an affluent one, to supply the whole town, the water from which was conducted to the head of Tranent in wooden pipes, and thence carried in barrels upon carts to the houses of the more fastidious inhabitants. The waste water from the wooden pipe ran in an open ditch or gutter through the town, and barrels were sunk in the ground to catch a supply as it passed; but as people were in the habit of tossing their filth into the current, it soon became polluted and unfit for use. This system was superseded by a service of lead, and subsequently of cast-iron pipes, running from the fountain head to the foot of the town, the barrels being replaced by substantial stone wells. In this way, and until about fifty years ago, Tranent continued to be served with a perennial supply of the purest water, but in 1830 a pit-shaft was sunk by Messrs. Cadell in the very centre of the sandbed, where the spring was situated, and the







water gradually found its way down the shaft to the pit, and thence was discharged by the day-level to the sea, leaving Tranent destitute. Crowds of poorly-clad creatures might then be seen collected around the wells, eagerly contending by day and by night for the precious drops that still came to them from the fast-failing spring, whilst women and children scoured the country in search of water, which they retailed at enormous prices. No wonder that Asiatic cholera, which paid Scotland a visit at this period, should have made fearful havoc in Tranent. The coal-proprietors and the lessees, who, to facilitate their own labours, had drained away the water from the town, expressed their sympathy with the inhabitants, but did nothing to alleviate the misery they had occasioned. But a few of the feuars, under the leadership of Mr. David Aitken, stepped forward to vindicate the rights of the community. These public-spirited individuals commenced proceedings before the Court of Session against Messrs. Cadell, the proprietors, to compel them to restore the abstracted water to its original channel. They engaged an Agent, took the opinion of Counsel, had witnesses precognosced, and the case ready for decision, when at the eleventh hour the Coal Company offered to 'tub' or line the faulty pit with iron plates at their own expense, which work was done and succeeded. The water returned. In 1837 a second shaft was sunk in the

'sandbed' with the same result, although in a less degree, when the village Hampden and the dauntless feuars again stepped to the front, and forced the Coal Company after a slight show of resistance to 'tub' the new pit also. For thirty years afterwards Tranent seems to have been blessed with an abundant supply of water; but about the year 1867 the beneficent spring began to exhibit signs of exhaustion, and the wells were again besieged by clamorous crowds. But the cause of the dearth was not so certain this time, for not only was it known that one of the Tranent Company's pits, viz. the 'Smithy Pit' was discharging large quantities of sandbed water into the day-level; but a shaft which had been recently sunk on the neighbouring estate of Elphinston was suspected of having tapped the sandbed. Besides the old generation of feuars had passed away, and a recent decision of the House of Lords, which seemed to support the right of the proprietors of mineral fields to carry on their operations whether these led to the diversions of streams or not, made the Tranent people a little doubtful of their right, and accordingly the Police Commissioners opened negotiations with the new superior, and after many delays, during which the inhabitants suffered grievous hardships, a compromise was arrived at. The inhabitants were allowed to pump what water they required from the 'Smithy Pit,' a false bottom having been put into

it at a depth of about seventy feet from the top, so as to retain the water from the 'sandbed.' But even this plan is not considered satisfactory, and a project is at present on foot for bringing a supply at an estimated cost of from £5000 to £6000 from Crichton, where coal-owners cease from troubling.

The laws which prohibit companies and individuals, whilst engaged in the pursuit of their private interests, from doing anything detrimental to the public seem to be partial and narrow, and to make superficial distinctions where there are no essential differences. To divert a stream which flows on the surface, or to pollute its waters so that trout cannot live in them is contrary to law, but to deprive a whole community of water to the danger of health and of life, or to compel them to bring it from a great distance at great expense is perfectly legal if the damage be done by subterranean operations. A law permitting thieves to pick the pockets of your breeches, but not of your waistcoat, would not be more preposterous.

But although water was scarce in Tranent in the olden time whisky was abundant. At the end of last century between 3000 and 4000 gallons were on a moderate computation annually retailed in the parish, besides what was commissioned by private families from the stills.\* Beer was also plentiful, and it is greatly to be regretted that this whole-

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\* Old Statistical Account.

some and refreshing beverage should have gone comparatively out of fashion and given place to tea, which is seldom to be had in an unadulterated condition, and at the best, is injurious to the nervous system and digestive organs, and ruinous to the pockets of poor people. It is to be hoped that the Government will reverse their recent fiscal policy—will remove all restrictions from brewing and place a heavy duty on tea. It would be well too (only it might savour of tyranny) if well-meaning but mistaken gentlemen could be prevented from opening tea and coffee shops in our cities, and thereby of spreading dyspepsia amongst the working classes.

Brew-houses on a humble scale were numerous in Tranent in the olden time. Some of them belonged to women. In the churchyard a mouldering tomb-stone informs us that one David Mather, who closed his useful life in 1687, was a 'Quaigh-maker,' and that his son John, who died in 1756, followed the same trade. The quaigh used in Tranent at that period was probably not the little wooden cup which now bears that name, and which was used in the Highlands for drinking whisky, but the small tub, built with hoops and staves, also called a *bicker* or *cogue*, out of which beer was and still is quaffed in the Lowlands. Tradition says that a *leglen* or milking pail of excellent small beer could be bought in Tranent for twopence halfpenny. The small beer drunk at

that period and long afterwards was not the dead, bodyless, cask-washings, that now usurp the name ; but a brisk, throat-cutting, nose-twisting, and exhilarating liquor, which every lover of his country would like to see come into fashion again.

Cakes and ale, as one can even learn from the tomb-stones, were abundant in Tranent in the olden time. The heavy wheels of life were moreover occasionally greased with a holiday. The third Thursday of June was a festival which old and young dreamt of for months before it came. All the ploughmen in the district, with their horses well curried and gaily decorated, rode through the streets in procession, with a lord elected for the nonce at their head, and a race terminated the amusement of the day. Showmen, mountebanks, vendors of sweeties and gingerbread, ballad-singers, and fiddlers, etc., flocked from all quarters to swell the jovial throng. This festival (a shadow of which survives in the Tranent Games) was called the 'Carters' Play.'

Cock-fighting was a favourite sport in the dull winter days. A main was fought in the school-room every year under the patronage of the school-master, who claimed all the run-away cocks or 'fugies' as his perquisite, and who also received half a guinea or half a crown from the owner of the victorious cock, according to the circumstances of the boy's father. On Fastern's e'en and Yule a main was fought, and tradition says

that the notorious Deacon Brodie used to come with his birds to enjoy the pastime. Brodie's passion for cock-fighting, and his curiosity to learn the result of a *main* in Edinburgh, and how his favourite black cock fought, was the means of his being traced to Amsterdam, where he was apprehended, brought to Edinburgh, tried for robbing the Excise Office, convicted and executed in 1788. He himself died game.

Tranent, no doubt from the dearth of water and abundance of filth, was not a healthy place in the olden time. During the latter half of the last century, about one-fourth of the deaths were those of infants under one year, great numbers of whom were cut off by small pox and hooping cough. The town was, as already mentioned, severely scourged by Asiatic cholera in 1832. The old sexton (now superannuated) used to speak with much unction of the prosperous times when he entered the trade, but his successors need not despond. All who know the present sanitary condition of the town will agree that if cholera again visits Scotland it will not forget Tranent.

Of the original proprietors of Tranent we know nothing, but Robert de Quincy acquired the manor from William the Lion, who made him justiciary. He was succeeded by Seyer de Quincy, the Earl of Winton, who died amidst the Holy War in 1219. It then passed to his son Roger de Quincy. It was forfeited by the adherence of its owners to Edward the

2d, and Robert Bruce conferred it on Alexander de Setoun. The Seton family was ennobled by James 1st, and Robert, the eighth Lord (one of James the Sixth's favourites), was created Earl of Winton in 1600.\* Tranent remained in possession of the Setons until it was forfeited in 1715. It was bought by the York's Building Company, who introduced many improvements in mining, and amongst others built a harbour at Cockenzie, and in 1722 made a tramway from it to the pits, a distance of about two miles. This railway, said to be the oldest in the world, was laid with wooden rails, which were replaced by Mr. Cadell in 1816 with iron ones. The York's Building Company became bankrupt in 1779, and Tranent was purchased by the Messrs. Cadell, who had been previously taxmen. It now belongs to Mr. Polson.

Tranent, according to Chalmers, has been inhabited in succession by Cambro-Britons (under Roman rule for some centuries), and by Saxons, Picts, and Scots. For some years a large immigration of Celts from Erin has been going on, for nature dislikes a pure race, and in many ways, often unnoticed by the historian, introduces a cross.

A few years ago Tranent had no head—no magistrates—no police. Pigs wandered at their own sweet will through the muddy streets, or basked in the sun on the pavement.

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\* Chalmers' *Caledonia*, vol. ii., p. 431.



Petty offenders where often tried before Judge Lynch and ducked in the pond. From time immemorial a drummer had been in the habit of perambulating the streets at four o'clock in the morning for the purpose of arousing the miners to their work. But this ancient functionary became at length intolerable. He was knocked down, and the ends of his drum kicked in by some people he had disturbed. So will democracy ere long serve every relic of feudalism. Tranent is now governed by six Police Commissioners, elected by the rate-payers.

From time immemorial, down to the beginning of this century, the inhabitants possessed the right of pasturing their cows upon an extensive moor situated at the east of the town. At a certain hour every morning, a herd passed through the streets blowing a horn, on hearing which the cows issued from their respective byres, and in a drove went to the moor. Another blast collected them in the evening, every cow retreating into her own house as the drove passed through the town until all were at home. This moor, when land had become precious in consequence of the French War, and the dearth of bread which it had occasioned, somehow became the property of Mr. Cadell the superior, who divided it and let some of it as arable ground for seven pounds an acre. This conveyance was not effected without remonstrance from

the people of Tranent, but the principal opponents were bribed with cheap feus, and the inhabitants in general were deprived of their right to the moor. It is expressly stated in the feu-charters, granted in the present day, that the feuars are to have no right to pasturage on the moor.





## *CHAPTER II.*



### **COLLIERS AND COLLIERIES.**





## CHAPTER II.

### COLLIERS AND COLLIERIES.

**I**N all probability coals were worked in Tranent for many centuries before any document was written to commemorate the fact. Probably it was the excellent fuel cropping from the surface that attracted the ancient inhabitants to the spot, and very likely the holes they dug in the seam formed their habitations. That coals were worked in Tranent as early as the year 1200, a charter granted by Seyer de Quincy, the lord of the manor of Tranent, to the monks of Newbattle remains to prove, and this is the earliest notice, by *ninety* years, of the working of coal in Scotland. Fordun, under the year 1322, states familiarly the collieries of Tranent when he speaks of the invasion of Edward the 2d, who remained some time in East Lothian. From the age of Robert the Bruce there is a series of charters granting collieries in East Lothian.\*

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Chalmers' *Caledonia*—Note at p. 400, vol. ii.

In the middle of the 16th century, 1547, the workings seem to have extended to a considerable distance under ground, as Patton, the narrator of Protector Somerset's invasion of Scotland, gives an account of many inhabitants of the district taking refuge in the coal pits a few days before the disastrous battle of Pinkie. The English, finding it impossible to dislodge them, closed up the pits, which gave air to the workings, and placing fires at the entrance endeavoured either to drive them out by other apertures, or to suffocate the miserable creatures within.\*

Tranent sits upon the edge of a shattered basin of coal, or a basin within basins, the bottom of which is under Carloverock farm-house, about a mile to the south of the town, where it is about thirty-seven fathoms from the surface. The coals were wrought in ancient times, as now, with picks and wedges, but 'stoops,' or massive pillars of coal, were left to support the roof, which is now done by props, until the seam is exhausted, when they are removed. The workings in the olden time were cleared of water by a process called 'damming and laving,' that is by forming banks over which the water was ladled into dams above, whence it was ladled over the other banks into other dams, and so on until it was got out of the pit. Buckets with long handles

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\* New Statistical Account, vol. ii. p. 285.

are sometimes found in the ancient workings that appear to be quite sound until exposed to the light of day, when they drop into dust. These had been used in 'laving.' A more efficient method of drainage was adopted in course of time, although the precise date is unknown. This was by means of day-levels, that is mines bored through the rocks, regardless of the stratification, to some place on the surface, which is lower than the workings, to which the water is carried by gravitation. One of these day-levels, the mouth of which is near Stiell's Charity School, must be a mile and a half in length. The author had an opportunity (thanks to Mr. Stewart, the Manager of the Carlaverock Colliery) of seeing that level, and also an ancient coal waste in the same pit, which was discovered in the course of modern excavations, and the existence of which was previously unknown. Miners frequently stumble on these ancient works, which extend for miles in all directions, and force the mind to the conclusion that coal must have been worked in Tranent far back in pre-historic times.

Where the seam was only a few fathoms deep the coals were carried on women's backs up crazy spiral stairs to the surface. The women were called 'bearers,' and a hundred weight and a half was considered a fair burden. The bearers generally carried a small cudgel to help them in the ascent.



In deep pits the coals were carried to the bottom of the shaft by women, and then raised in wooden tubs by means of a gin moved by horses. The coals were almost invariably carried to market in creels slung across horses' backs, the roads being wretched and unfit for vehicles.

The condition of the colliers in Scotland, from time immemorial down to a very recent date, now excites astonishment, although it does not seem to have caused any surprise whilst it continued. Colliers, until the year 1775, were all slaves, and were bought and sold along with the pits. They were excluded by law from all the rights enjoyed by other subjects. In 1775 it was enacted that those who, after the 1st of July shall begin to work as colliers and salters, shall be free; but those who were already at work shall only be liberated gradually, those under twenty-one in seven years, those between twenty-one and thirty-five in ten years, and those who were emancipated were allowed the benefit of the act, which was passed in 1701, to protect others from wrongous imprisonment and undue delays in trials.

As the reader may feel some curiosity to know what could have been said in defence of such an iniquitous institution by those living at that time, a few extracts from a letter written by some one in Glasgow, and published in the *Edinburgh Weekly Magazine* of March 18, 1772, may not here be out of

place. These will show to what an incredible degree self-interest can blind a man to all sense of justice. He says—  
‘I may readily agree with the promoters of the bill, that at first sight it must appear a reproach upon us that a state of slavery should exist in a free country ; but if we look around us in the same country, in what better situation is a private soldier in the army, who never can get clear of his service until he is superannuated or unfit for it? From some other cause, it may be alleged that the soldier is only a servant to the public, while the collier is a slave to some individual. Be that as it may, it makes no great difference as to the personal situation of the one or the other. They are both slaves for life. The great difference is, that the soldier is provided for in old age, and the collier is not ; and if some provision were made for the latter, it would be all the freedom that ought to be applied for to the legislature for him. The great advantage of slavery is, that whilst the wages of labourers above ground have risen within fifteen years from sevenpence or eightpence a day to one shilling or one shilling and sixpence sterling, the wages of colliers have remained the same for twenty-five years, and that none can clear more than ten shillings a week, which enables the masters to undertake works, which if wages were higher, they would be obliged to abandon, and consequently coal would rise in price, and

surely this will never serve the public, and the export of the commodity would fall off. From all which it is clear and evident to me, that it would be extremely dangerous to emancipate the Scots Colliers, while labourers are paid so high for their work above ground, as it would have a direct tendency to raise their wages, to raise the price of coals, and shut up many coal works.'

The Act of 1775, says Lord Cockburn, although effective in checking new slavery, was made very nearly useless in its application to the existing slaves by one of its conditions. Instead of becoming free by mere lapse of time, no slave obtained his liberty unless he instituted a legal proceeding in the Sheriff Court, and incurred all the cost, delay, and trouble of a law suit; his capacity to do which was extinguished by the invariable system of masters always having their workmen in their debt. The result was that in general the existing slave was only liberated by death.

'But this last link,' continues Lord Cockburn 'was broken in June 1799, by the 39th George the 3d, chap. 56, which enacted that from and after its date "all the colliers in Scotland who were bound colliers at the passing of the 15th George 3d, chap. 28, shall be free from their servitude." This annihilated the relic.' \*

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\* Cockburns' *Memorials*, p. 76.

*CHAPTER III.*

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**WITCHCRAFT, 1591.**





## CHAPTER III.

WITCHCRAFT, 1591.

❧ **T**O the north of the churchyard of Tranent, and separated from it only by a road, stands an old dove-cot, now empty; but which had been constructed to accommodate 1122 pairs of pigeons. Supposing it had contained only half that number, what a curse it must have been to the neighbourhood about the end of the 16th century, when farmers were ignorant of their trade, when land was swampy and undrained, when implements were of the rudest description, and when consequently the crops must have been scanty and precious! One can picture the desperate look with which the poor husbandman, with the sickle in his hand and the sweat on his brow, regarded the flocks of voracious pigeons that fluttered amongst and devoured the oats and bere that he had raised with such bitter toil. Above the now doorless doorway of the dovecot a tablet of sandstone is still to be seen, which at one time bore a shield, now all but effaced

by time and the weather, and still bears the name of DAVID SETOUN, and the date, 1587, distinct and legible.\*

On reading the inscription, one remembers with a shudder that this was the name of the deputy bailiff in Tranent under Lord Seton, afterwards Earl of Winton, who, in the year 1591, was the prime mover in the crusade against witchcraft, which, before it ended, resulted in 17,000 people in Scotland being tortured and burned to ashes for an imaginary crime. David Seton (who probably resided in a quaint old house commonly called the Royal George, which was recently demolished), had a servant maid whose name was Gellie Duncan. She was young and comely, and distinguished for her readiness to attend the sick and infirm, and for her wonderful skill in curing diseases. Seton, being himself destitute of the divine sentiment of compassion, could not understand why any one would take so much trouble to alleviate the sufferings of others, or how a person in a humble station could have acquired a knowledge of leechcraft. He was astounded on hearing the extraordinary cures she had performed, and his base mind was filled with the most preposterous suspicions. He interrogated Gellie as to how and by what means she had

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\* Dovecots became such a pest, that an Act was passed in 1617 prohibiting their erection, except the owner had lands within two miles of the value of ten chalders of victual annually.

learned to treat cases of such importance, and her answers not being satisfactory, he with the assistance of others endeavoured to wring the truth from her by torture. He crushed her fingers in an instrument called the *pilliwinkis*, or thumb-screws, and that failing he bound and wrenched her head with a cord or rope, which produced excruciating agony. But Gellie remained obdurate and would confess nothing.\*

Then her body was examined and the mark of the Devil found upon her throat. It was believed that Satan put a mark upon all who had enlisted into his service, which mark was recognisable by the part being bloodless and insensible to pain. It is related that Gellie, on the discovery of the mark, made a full and complete confession. She admitted that her attention to the sick had been done at the wicked suggestion of the Devil, and that her cures were effected by witchcraft. She disclosed the names of thirty accomplices, some of them the wives of respectable citizens of Edinburgh, whose conduct had till then been irreproachable. These were all apprehended and lodged in prison.

On the 1st of May 1590, James the 6th arrived at Leith after a very stormy passage from Copenhagen, and it had been observed that the ship that carried the King and his

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\* Pitcairns' *Justiciary Records*, vol. i.



young Protestant bride was more furiously buffeted by the tempest than any other vessel in the fleet. Often when the others had fair breezes, she had to contend with contrary winds. This singular circumstance was noticed by many, but none could explain it until the confessions of Gellie Duncan and her accomplices unlocked the mystery. An elderly woman called Agnes Sampson, who lived at Keith, in the parish of Humbie, was one of those whom Gellie informed on. She was arrested and tried before the Court of Justiciary. Amongst other crimes, she was accused of having been assiduous in her attendance on the sick, and of having repeated the creed and the Lord's Prayer in monkish rhyme over them. She denied having any dealings with the Devil, or any knowledge of witchcraft; but on being horribly tortured, stripped naked, and the Devil's mark discovered on her person, she confessed the truth of Gellie Duncans' disclosures.

She admitted she was a witch, and related that she had attended a meeting of witches, numbering upwards of two hundred, which was held at the Kirk of North Berwick on Hallowe'en. The Devil presided, and a young man called Cunningham, *alias* Dr. Fian, acted as Secretary, and an old fellow named Grey Meal, who resided at the Meadow-mill, was the Door-keeper. The meeting had been called to devise a plan for the destruction of the ship that carried the King

and Queen. On this being arranged, the whole crew of witches and wizards set sail in riddles or sieves to meet the Royal Squadron. On the voyage they boarded a ship, and, after helping themselves to meat and drink, sunk her. When the Kings' vessel was sighted the Devil handed a cat to Dr. Fian, and ordered him to throw it into the sea and to cry halo ! The cat had been previously drawn nine times across the fire. This being done a tremendous tempest arose, and nothing but a miracle could have saved the Royal ship from destruction.

The Devils' fleet then put about and returned to North Berwick. On reaching the shore the witches marched with their sieves in their hands in a procession to the Kirk, Gellie Duncan tripping in the front and playing a quick-step on the trump or jew's-harp. On reaching the Kirk, they marched three times around it *withershins*, that is in the direction opposite to the apparent course of the sun, and when they tried to enter the sacred edifice they found the door was locked ; but it sprang open when Dr. Fian blew into the keyhole. When the infernal congregation entered the Kirk all was darkness ; but the Docter blew in the lights, as other people blow them out, and lo ! the Devil was seen standing in the pulpit dressed in a black gown.

His first proceeding was to call the Roll. He then enquired whether they had been his faithful servants, and on their

answering 'Aye, Maister,' he preached a short sermon with his usual ability. He enjoined them to do all the evil in their power, and promised to take care that they should be handsomely rewarded. At the conclusion of his service, he put his tail over the pulpit and requested them to kiss it, as a token of their allegiance, which they all did. The congregation then retired to the churchyard, where they feasted on the dead, and received joints of human bodies from the Devil, to 'make a charm of powerful trouble.' The convocation was concluded with a dance, to which Gellie Duncan played a reel on the trump, called :

'Cummer, go ye before Cummer, go ye.'

Such is the essence of the confessions emitted by these poor wretches under torture, and some have expressed surprise that there should have been such a close agreement between them; but as they were probably all prompted by the prosecution, no surprise need be felt.

Cunningham, commonly known as Dr. Fian, was a school-master in Preston, and his superior education would have exposed him to suspicion in those dark days. He was one of those whom Gellie Duncan informed on. He was accused, amongst other things, of having chased a cat in a street in Tranent, and of having leaped a wall as lightly as the cat her-

self—a wall so lofty that no mortal man, without the help of the Devil, could have cleared it. It was believed that he was collecting cats for Satan, who required a supply for the purpose of raising storms. On being interrogated, Dr. Fian denied that he knew anything of sorcery, and to compel him to confess his guilt he was subjected to the most grievous torments that the mind of man could invent. His legs were put into the *bootikens*, and crushed with wedges until the blood and marrow spouted out. But he maintained a stubborn silence. In this crippled condition he managed in some way to escape from prison; but unfortunately, returning to Prestonpans, he was again arrested and brought back to Edinburgh. He was again tortured by the *bootikens*, and in addition his finger nails were torn off with pincers, and pins thrust into the tips of his fingers. But nothing would make him confess his guilt; and finally, he, as well as Gellie Duncan, and the thirty whose names she had in her agony disclosed, were strangled and burned to ashes on the Castlehill of Edinburgh.

Some people, ashamed that such atrocities should have been perpetrated in Scotland, when the radiant sun of the Reformation had arisen in the sky, and the dark night of Popery had sunk below the horizon, are willing to believe that although these miserable victims of superstition were innocent

of the impossible crimes with which they were charged, yet they were guilty of real crimes which merited all the punishment they received. Fian, it is said, 'was a man who had led an infamous life, was a compounder of and dealer in poisons, and a pretender to magic, and he deserved all the misery he endured.' \* But there is nothing to support the view excepting evidence given under torture, and the ignorant and malignant gossip of the times, both of which ought now to be rejected with indignation. Fian must be held as an innocent man, who suffered the cruelest torments and death at the stake for crimes he never committed, and whose character has been blackened, without a shadow of reason, to this date. The same verdict must be passed on Agnes Sampson, whom the very indictment shows to have been a woman of a pious and benevolent disposition.

His Majesty, believing that an attempt had been made on his own life by Satan and his servants, felt a deep interest in these trials, and attended to see the witnesses examined and put to the torture. He sent for Gellie Duncan to Holyrood, and made her play the reel she had performed to the Devil and the witches at North Berwick.

'Cummer go ye before, Cummer go ye,  
Gif ye will not go before, Cummer let me.'

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\* Mackays' *Popular Delusions*, vol. ii., p. 137.

But her compliance failed to soften the heart of that superstitious and ruthless tyrant. In 1597 he published a treatise on Demonology, and in it he says that witches ought to be put to death according to the law of God, the civil and imperial law, and the municipal law of all Christian nations—that witchcraft is a crime so abominable that it may be proved by evidence, which would not be received in other cases—that the testimony of young children and infamous characters ought to be sufficient, but to make sure the Devils' mark should be looked for, and the suspected person be put into the water to try whether she would sink or swim. If she floated it would be a proof that she was guilty—if she sank she would be drowned, but her innocence would be apparent.

The trials of the Tranent witches and the extraordinary confessions that had been wrung from them, threw all Scotland into a state of inconceivable excitement. Superstitious terror spread like an epidemic, and James on his accession to the throne of England carried the infection with him. During the first eighty years of the seventeenth century, it has been calculated that 40,000 people were executed for witchcraft there, which added to those judicially murdered in Scotland, makes the fearful total of 57,000! It is curious to reflect that it was David Seton of Tranent, whose pigeon house is still to be seen on the Dove-cot Brae there, who struck the spark

that caused this appalling explosion of national insanity. Prosecutions for witchcraft had not indeed been unknown before he got Gellie Duncan brought to the stake; but they had been comparatively few and far between. It was his venomous tooth that gave the bite that set the whole pack in Scotland, and in England too, into such a state of outrageous madness, as had never been paralleled before and has never been equalled since,

In 1591 the dread and abhorrence of sorcery, fostered by the King, the Privy Council, and the Clergy, grew into a chronic mania which raged without any abatement until the year 1665. During this period a number of cruel villains made witch-finding a trade. They were called 'common-prickers' or witch-finders. One of these scoundrels resided in Tranent, and he must have been a pleasant person for old women to meet at a party. His name was John Kincaid. Although Tranent was his head-quarters, he, accompanied by his man servant, roamed the country in search of employment, and from the skill he was believed to possess in discovering the Devils' mark, he was held in high repute and carried on a prosperous business. His method of testing witches was to stick a brad-awl, or a pin three inches long, into various parts of their bodies, until he found a spot where no pain was felt by the puncture, and no blood came forth, which spot was an

infallible sign of guilt. Probably his awl, like the dagger blades of modern jugglers, could be retracted into the hilt when the operator pleased, so as to deceive the eye of spectators. The following certificate \* will give the reader an idea as to the way in which John conducted business :

Dalkeith, 17 Junij 1661. The quhilk day Janet Peaston being delaitit as is aforesaid the *magistrate* and *minister* caused John Kincaid in Tranent, the *common-pricker* to prick her, and found two marks upon her which he called the *Devoll* his marks, which apeared indeed to be so, for she did nather find the prein when it was put into any of the said marks nor did they blood when they were taken out again. And quhan she was asked 'Quhair shoe thoght the preins were put in?' Shoe pointed at a part of her body distant from the place quhair the preins were put in they being preins of thrie inches or thairabout in length. Quhilk Johne Kinkaid declaris upon his oath and verifies by his subscription to be true. Witnesses thairto Mr. Wm. Calderwood, Minister at Dalkeith and Williame Scott, Bailzie; Martin Stevinsone and Thomas Calderwood,



Elders ; Major Archibald Waddell, Johne Hunter,  
David Douglas.

From an account of the expenses of executing a witch named Margaret Denholm at Burncastle, near Lauder,\* one ascertains the fee received by Kincaid. He was paid six pounds Scots 'for brodding of her' besides 'meat and drink and wyne to him and his man' which cost four pounds—total ten pounds Scots, whilst the hangman of Haddington received nine pounds, fourteen shillings Scots, which included charge for 'meit and drink and wyne for his intertinge' and travelling expenses—a man with a led horse having been sent for him. Two men, who watched the woman for a month, were paid forty-five pounds. Probably their duty was to prevent the witch from falling asleep, which experience had proved to be an unendurable torture, and an excellent method of forcing a confession. Iron collars, with spikes turned inwards, which could be tightened with a strap, were sometimes used for the same purpose. Margaret Denholm possessed enough property to defray the expense of her execution, and to leave a balance of sixty-five pounds Scots.

Where John Kincaid was born, and where, when, or in what manner he died, I have as yet been unable to discover ; but I

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\* Hugo Arnot's *Criminal Trials*, appendix.

have read somewhere that he got into trouble at last by wishing to search for the Devils' mark on a lady of quality.

Ministers of the Gospel, Presbyterian as well as Episcopalian, were the firmest believers in witchcraft, and the most pitiless and active persecutors of the miserable wretches who were suspected of that imaginary crime. The Rev. Allan Logan, Minister of Torryburn, Fife, in 1709 often preached a sermon against it. He prided himself on his penetration in detecting witches, and on one occasion he cried out, 'You witch-wife, get up from the Lord's table.' The last execution for witchcraft which occurred in Scotland, took place in Sutherlandshire in 1722, when an old woman was accused of having transformed her daughter into a pony, of having got her shod by the Devil, and of have ridden upon her back. Her daughter was said to have been crippled in her hands and feet in consequence, an injury that was entailed upon her son. Weakened in mind by the misery she had suffered, the poor old woman, it is related, sat warming herself, the weather being cold, in perfect composure at the fire which had been kindled to consume her. She was burned at the stake at Dornoch.

It is worthy of mention that when a bill for the repeal of the Act against Witchcraft was introduced into Parliament in 1735, it was opposed by Lord Grange, whose estate of Prestongrange is near Tranent. He was a Judge of the Court of

Session, and is 'damned to everlasting fame' chiefly for having, through the instrumentality of Fraser of Lovat, and MacLeod of MacLeod, sent his wife to St. Kilda, where she resided in what to her must have been great misery for the period of seven years. She must have been on that lonely island when her brutal husband opposed the bill for the repeal of the Act referred to.

It is probable that Shakespere (and it is sad to think that all we know of that transcendent genius amounts to little more than a probability), was well acquainted with the trials of the Tranent witches, and he might have obtained his information from an account called 'Newes from Scotland,' and 'The Life of Dr. Fian,' both published at the time. Some of the scenes in Macbeth (which is conjectured to have been written after the accession of James to the English throne), sound like a poetical echo of the confessions of Gellie Duncan and Agnes Sampson. It is probable that the English poet intended to compliment the Scotch King, not only by selecting a subject from the History of Scotland for a drama, but by introducing allusions to characters and events in which his Majesty was personally and deeply interested. It is also probable that Burns had these trials in his recollection when he wrote 'Tam o' Shanter.' The witches in that immortal poem meet, like those of Tranent, in a kirk and dance on a

*cromach* or burial place. The dead are raised in their coffins, not to be eaten, for Burns was a poet and never overstepped the line that divides the horrible from the disgusting, but to hold candles. The holy table is loaded with fearful materials for the manufacture of charms. The Devil is also present as he was at North Berwick, but in the character of a piper and not of a preacher, and the tunes he performs are of the same homely sort as those which Gellie Duncan played upon the trumpet. To complete the resemblance, Burns' heroine, like Gellie, is a

‘Winsome wench and waly,  
That nicht enlisted in the corps.’

It is difficult for us to imagine the state of superstitious terror in which our forefathers lived for more than a century and a half after the Reformation. Young women prayed that they would not live till they were old, and the aged often accused themselves of witchcraft that they might be burned at the stake, and so escape the pitiless persecution of their neighbours. The whole earth seemed to be abandoned to the Devil and his satellites. The laws of nature were suspended, and all the ills that flesh is heir to were attributed to sorcery. Consumption was caused by an evil eye or ‘some secret black and midnight hag’ having made an image of the sufferer in wax and roasted it before a slow fire. Epilepsy or rheumatism

was the result of the venom of toads having been dropped on some rag of linen that had been stolen from the patient. Everything and everybody were enveloped in doubt. A man's wife might not be his wife, but a three-footed stool, or heather-besom, which she had made assume her appearance, whilst she flew through the air on a pitch-fork to attend a convocation of witches. The cat was not a cat, but an imp of Satan who could raise storms by scratching the leg of a table, or by being drawn nine times across the fire and tossed into the sea. The hare you fired at might not be a hare, but an old woman in the shape of one. Stories about witches having been shot in that disguise are current in all parts of Scotland, and I shall conclude this chapter with one (thrown for the sake of variety into rhyme), that used to be told to shivering hearers at the firesides of Fife.



## The Witch and the Wabster.

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There was a wabster wonned in Fife  
Wha, whan his wark was done,  
Thocht it the greatest joy in life  
To daunder wi' his gun.

And on a windy Autumn nicht,  
Whan a' the fields were bare,  
He had the luck to his delight  
To shoot a bonnie hare.

He seized the maukin in a crack  
And slung it on his gun,  
And wi' it dangling at his back  
Awa for hame did run.

And as he nimbly ran, quo he,  
'This beast my wife will cook,  
And it will gie my bairns and me  
A banquet for an ook.'

But ere a hundred ells he went  
He slackened in his pace,  
And stachered on wi body bent  
And sweat upon his face.

'What cantrup trick is this!' he said  
Wi' open een and mou'  
'The hare I shot has turned to lead,  
Or to a calf or coo.

He turned his head in eerie awe,  
To try and solve the puzzle,  
When, Lord! a neighbour's wife he saw  
Sit grinning on the muzzle.

He shook her aff in wrath and dread,  
And at her cursed and swore,  
And to Sanct Andros toun he gaed  
Whilst she limped on before.

The people there were weel aware  
She lang had served the deevil,  
And in the shape of cat and hare,  
Had wrocht them muckle evil.

And now the tale frae ilka lip  
Gaed circling round the spot,  
That she was crippled on the hip  
Whar maukin had been shot.

*CHAPTER IV.*



**THE BATTLE OF PRESTONPANS.**







## CHAPTER IV.

### THE BATTLE OF PRESTONPANS.

**I**N the year 1745, news travelled slowly from one district of Scotland to another. Prince Charles Stewart cast anchor in Lochanuagh in Moidart on the 19th of July; but his arrival was not known in Edinburgh until the 6th of August, and no additional intelligence reached that city until the 22d, when the skippers of two Glasgow ships, who had touched at the West Highlands on their passage from Virginia, confirmed the fact, and brought an exaggerated report of the number of the Jacobite army. Probably within a week or two afterwards, rumours, more or less mingled with fiction, had reached Tranent that a body of savage Highlanders with Prince Charlie at their head were on their march to Edinburgh; but very likely the Tranenters had little notion that the horrors of war would so speedily be exhibited at their own doors. Colonel Gardiner's Regiment of Dragoons, which had retreated panic-stricken before the Highland host from Stirling, from Falkirk,

from Corstorphine, and from Coltbridge, arrived at and encamped in a field near Prestongrange on the 15th of September; but one of the troopers, having, whilst gathering forage, fallen into an old coal pit, raised such a clamour that the whole Regiment was again seized with terror, and mounting their horses galloped off to Dunbar, where they joined the army of Sir John Cope which had just arrived from Aberdeen. No doubt that little incident formed the theme of much lively conversation that evening on the streets of Tranent, but the inhabitants were soon to witness a spectacle which must have furnished them with an exciting subject of discussion for the remainder of their lives.

Cope's army marched from Dunbar towards Edinburgh on the 19th, and taking the low road by St. Germain's and Seton came near Preston next morning, the soldiers being in excellent spirits and confident of victory, should the Highlanders venture to meet them, which they doubted. They had just entered the plain between Seton and Preston, when information was received that the Highlanders were in full march towards them. The General, thinking the ground very suitable for receiving the enemy, called a halt, and drew up his troops fronting the west, with the sea on the right, and Tranent on the left.

The Highlanders left Duddingston Park, where they had

been encamped, about the same time as the King's army left Haddington. They marched by the road which passes Easter Duddingston and enters the main road near Magdalen Bridge, thence by the Market-gate of Fisherrow, across the old bridge which crosses the Esk, and by the road which winds to the south of the gardens of Pinkie-House, when Lord George Murray, who led the van, struck off through the fields to the right, and so reached the hill near Falside, the army following. It was then ascertained that Cope had remained in his position at Preston. The Highlanders commenced a slanting march down-hill towards Tranent, and halted when they were about half a mile from that town. When the Royal troops first observed the Highlanders they gave a loud shout, which was echoed by the latter. It was then about noon, and favourable weather for fighting; and Charles was eager for an engagement, a desire which Cope did not share in. On observing the Highlanders on Birslie Brae, the English General shifted his front to the south, so as to face them.

The ground which the Highlanders occupied was very suitable for their mode of attack, which was to rush down hill upon the enemy. But unfortunately a long stripe of marshy ground lay at the foot of the slope, and separated them from Cope's army, which was a mile and a half distant. Prince Charlie was informed by the country people, who flocked

around him in great numbers, that the morass was impassable except at great hazard, information which was confirmed by Colonel Ker, who, mounted on a little white pony, was sent to examine the ground, and was whilst so engaged fired at by the enemy. A considerable body of Highlanders were then detached to Dolphinston to make, or feign, an attack on Cope's right, or west flank, and the English General observing the movement resumed his first position, with his front to the west. The Highlanders then returned to their old position near Tranent, the Royal army facing round at the same time. The whole afternoon was spent in these evolutions. Dougal Graham, who is supposed to have been in the Highland army throughout the campaign, and was subsequently bellman of Glasgow, wrote a metrical history of the Rebellion, which in the form of a chap-book was popular in its day, and is still considered a reliable authority, gives some graphic descriptions of Charles' position.

'The Duke of Perth and great Lochiel,  
They choosed for ground that rising fell,  
West from Tranent, up Brislie Brae,  
A view both south and north to hae.

The fields are plain around Tranent,  
Besouth the town grow whins and bent,  
Where Charles kept his men secure,  
Thinking on battle every hour.'

The people of Tranent must have gazed with astonishment at the Highland army, which according to Dugald Graham—

‘Numbered one thousand eight hundred men,  
But badly armed as you may ken ;  
With lockless guns and rusty swords,  
Durks and pistols of ancient sorts,  
Old scythes with their rumpled even  
Into a tree they had been driven ;  
And some with batons of good oak  
Vowed to kill at every stroke ;  
Some had hatchets on a pole,  
Mischievous weapons antick and droll,  
Was both for cleaving and for clicking,  
And durking too, their way of speaking.’

The Highland dress, too, was curious. Although the kilt or philabeg was then in use (as is proved *inter alia* by its being included in the prohibitory Act—called Lord Harding’s Act, passed in 1747), it was not considered an essential part of the Highland dress, which consisted chiefly of a long shirt and plaid. The latter was laid aside when the wearer went into action, and he fought in his shirt ; and probably Prince Charlie’s men marched from Edinburgh in that airy costume with their plaids slung across their shoulders. The *breacon an sheile* or belted plaid was kilt and plaid in one. In Graham’s description of the battle of Falkirk it is mentioned that

‘ Their plaids in heaps were left behind,  
Light to run if need they find.’

Elsewhere he states :

‘ Their uniform was belted plaids,  
Bonnets of blue upon their heads,  
With white cockade and naked thie,  
Of foot as nimble as may be.’

Chalmers, in his History of the Rebellion, is puzzled to reconcile two statements that seem to him at variance. One account he quotes says, ‘The Prince called for a dram in the first place, of which he seemed in much need, as the rain was streaming down from his plaid and he had no trews or philabeg.’ Another account says that the Prince got a full Highland suit from Kingsburgh. The explanation is that the kilt was not in 1745–46 a part of the Highland dress. This is confirmed by a remark made by Doctor Johnston in 1773, to the effect that he had only seen one man in the Highland dress, although philabegs were common. But to return to the battle of Prestonpans.

Sir John Cope’s position was so strongly guarded on three sides (some wise heads thought it was too securely fenced and not unlike a trap), with a ditch, morass, and stone walls, that it was deemed unassailable excepting from the east, and the Highland army, when it had become dark, moved to that side

of Tranent with the intention of attacking Cope at break of day. That General, afraid of a night attack, kept large fires burning around his camp, and fired off a few cohorns to show the enemy he was on the alert. The Highlanders, wrapped in their plaids, slept in a stubble field, and not a light was to be seen or a sound heard in their position.

Guided by a young East Lothian gentleman, named Robert Anderson, the Highland army began to move about three o'clock on the morning of the 21st of September old style (being the 2d of October of our calendar), which was about three hours before sunrise. In a column of three men abreast they marched down a hollow or valley that winds through the farm of Rigganhead. They were at first concealed by the darkness, and afterwards by the mist, and not a whisper was heard until they neared the morass, when some dragoons on the other side called 'Who's there?' and seeing who they were fired their carbines and galloped off to give the alarm.

The Highlanders, not without difficulty, crossed the morass and the broad ditch that flowed through it on its way to Seton-mill, and Charles, in leaping across the dam fell upon his hands and knees, which his superstitious soldiers must have considered a bad omen. The column marched towards the sea until those at the head calculated that all were over the morass, when a line was formed upon the firm and level ground.



The great clan Colla, or Macdonalds, formed the right wing, the Camerons and Appin Stuarts composed the left, whilst the Duke of Perth's Regiment and the Macgregors stood in the centre. The Duke of Perth, as oldest Lieutenant-General, commanded the right wing, Lord George Murray the left.

Behind the first line a second was formed at a distance of fifty yards, consisting of the Athole men, the Robertsons, the Macdonalds of Glencoe, and the MacLauchlans under the command of Lord Nairn. Charles took his place between the two lines. His army was rather larger than Cope's, numbering 2400 men; but as the second line never came into action the number engaged was only 1456.

Day had begun to dawn, although thick masses of mist still covered the ground and hid the two armies from each other, when the two lines of Highlanders, like waves of the sea, rushed rapidly westward to dash upon the enemy. The front rank men stooped as they went, shielding their heads and bodies with their targets, and the other ranks kept close in the rear.

Sir John Cope, who had slept at Cockenzie, hearing that the Highlanders were moving, joined his troops in all haste; and although he seemed to have a difficulty in believing that the enemy would attack him so early in the morning, he considered it proper to form his lines to front him. The centre consisted

of eight companies of Lascelles' Regiment and two of Guises'. On the right were five companies of Lees', on the left the whole of Sir John Murray's. These infantry were protected on the right flank by Whitney's and Gardiner's Dragoons, and on the left by Hamilton's. The whole force amounted to 2100. Six cannons were placed near to the old railway or tramway, that still runs between Tranent and Cockenzie. Cope had just time to ride along the front to encourage his men, when through the mist the clans, which some at first fancied were a hedge, were seen advancing swiftly and silently towards him. The Highlanders fired their guns at the English, and then tossing them away bounded through the smoke with the broadsword in the right hand and the target and dirk in the left. When a thrust was made at them by the bayonet they caught the point of that weapon on their target, and raising it up left the poor soldier defenceless. A stroke with the claymore settled him, and in a moment the furious Highlanders were within Cope's lines and slaughtering right and left with sword and dirk. One volley of musketry passed along the English lines from right to left, and a discharge from the cannons arrested for an instant the impetuous rush of the Camerons, but all in vain. In four minutes the battle was lost and won. A few shots from Charlie's men made Whitney's Dragoons fly, and they were quickly followed by Gardiner's. Hamilton's

troop at the other end of the line caught the infection, and fled without firing a carbine. The infantry, deserted by the cavalry, on whom they had relied for support, gave way, threw down their guns and begged for quarter. One small party alone had the courage to resist for a time, and Colonel Gardiner, deserted by his own troop, placed himself at their head and fought until he was cut down by numerous wounds. Cope's army was now all panic-stricken and flying from the field. The dragoons hurried like a disorderly mob through the vennel or narrow road to the south of the enclosures (carrying Cope with them), ducking their heads to escape the bullets that were sent after them by the Highlanders. About 400, with their General at their head, reached Coldstream that night, and next morning they arrived at Berwick. The infantry fell back upon the park walls of Preston, where, having thrown away their muskets that they might run more lightly, they were all huddled together without the power of resistance, and slaughtered without mercy by the ferocious Highlanders.

'Had not their Officers and Chiefs  
Sprung in and begged for their relief,  
They had not left one living there,  
For in a desperate rage they were,  
'Cause many clans were hacked and slain,  
Yet of their loss they let not ken  
For by the shot fell not a few,  
And many with bay'nots pierced through.'\*

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Dugald Graham, Eighth Edition, p. 23.

Nearly 400 of the English were slain and 700 were taken prisoners. A thorn tree (or more strictly speaking three thorn trees), marks the spot where the brave old Gardiner is said to have fought and fallen. He was struck and stripped after he was mortally wounded and lying on the ground. His man servant went to the Meadow-mill (the present village did not exist at that time), and disguising himself in a suit of clothes, borrowed from the miller, he returned to the field and carried his dying master to the manse of Tranent, where he soon afterwards died. His body was buried, beside eight of his children in the north-west corner of the church, and his wife, Lady Frances Erskine, placed a tablet on the wall, over his remains ; but this monument was removed or destroyed at the time the alterations were made on the church. Surely the basest sort of theft and the vilest kind of destruction is that of memorials to the dead (although it is too common now a days), and the enormity of the offence is beyond all expression when the victim is such a hero as Colonel Gardiner, whose dust would confer an honour on any town or church.

Warriors are generally mendacious braggarts, and in their attempts to magnify their victories often over-vault themselves and fall on the other side. Probably the Highlanders were not so poorly armed at Prestonpans as they said,—1400 or 1500 of them were provided with fire-locks and broad-swords

before they invaded the Lowlands; and as the arsenal of the trained bands in Edinburgh fell into their possession, the rest might have been supplied with muskets had it been considered advisable. Probably the scythes with which some of them were armed were considered more formidable weapons. One young Highland rascal boasted that he had killed fourteen Englishmen with his broad-sword, but a few more heroes like him would have left the great bulk of his countrymen nothing to brag of.

When the enemy had been routed, Prince Charles stood amongst the dead and dying, and refreshed himself with a slice of beef and a glass of wine. He was exceedingly merry, and twice cried out with a hearty laugh, 'My Highlanders have lost their plaids.' When one remembers that the kilt and plaid were at that period in one piece, and that his men were all in their shirts, one can understand what tickled his fancy. The Highlanders did not waste time in pursuing the fugitives, but returned to the field to plunder the dead and wounded. Colonel Gardiner's house was also pillaged. Sir John Cope's baggage was secured by the Prince, as well as tents, cannon, and a military chest containing £4000. When this was done, he rode to Pinkie House, where he lodged for the night. The Highlanders fixed their mess-room in a house in Tranent, and numbers went to the neighbouring parks and caught the sheep

for food. The Camerons entered Edinburgh in less than three hours after the battle, playing their pipes, and exhibiting the colours they had taken from Cope's dragoons. The main body of the army marched in triumph to Edinburgh the next day (Sunday), and paraded the streets to the sound of the bagpipes, with colours flying, and with the prisoners and spoil in the rear.

Any further account of the Rebellion would be out of place in this book ; but perhaps the following reflections, suggested by a general review of the affair, may be excused. Many in these latter days are in the habit of sneering at sentiment ; but this rising of the '45 shows the extraordinary power of sentiment. Through it, a few thousand Highlanders, undrilled, undisciplined, and, as some say, badly armed, took cities, made regular troops fly before them in pitched battles, like chaff before the wind, penetrated to the very heart of a powerful kingdom, and all but knocked the King off his throne. It was their devotion to Charles that impelled them to this—mere sentiment ! True this feeling was mingled with ambition, hope of plunder, and other baser qualities ; but passionate affection for the Prince was the ruling motive. Men gladly gave their own lives to preserve his, and women kept the sheets that he had slept in for their shrouds. £30,000 did not tempt any one to betray him. This veneration was possibly unmerited ;

but, besides heroic deeds, it inspired some of the finest songs and music that Scotland possesses.

The whole field of Prestonpans is visible from the window of the room where this is written, and this is the very month and day when the battle was fought 136 years ago. There is the sloping ground down which the Highlanders were eager to rush upon the enemy, but were prevented by the morass at the bottom. The morass was drained a few years since, and a ball, no doubt fired from one of Cope's cannon, was found in the peat, and is now kept as a witness of the fight. The horns of a deer were also unearthed, and speak of a more remote period. There is the thorn tree where the hottest part of the contest occurred. Five generations of men have passed since then, but the thorn tree, or triplet, is still vigorous, although having lost a limb or stem lately. The Earl of Wemyss (all honour to him!) has caused it to be girded and stayed with iron to guard the interesting relic from similar disasters. The white walls of Colonel Gardiner's house peep through the trees; and there is the church where his bones (robbed of their monument) repose. Claymores (two of them at present in private hands) have been picked up in the fields.

The position of Cope's army was, as some allege, with every show of reason, parallel with, and close to, the east side of the old railway, with the Meadow-mill on the right, and not, as is

generally supposed, in a line with the thorn tree. This was the opinion of the late Mr. Cadell (expressed in a letter to the Rev. Mr. Parlane in 1850), whose grandfather was a boy when the battle was fought, and had pointed out the position to him. This opinion agrees with the plan published in Dugald Graham's chap-book.







*CHAPTER V.*



**THE MASSACRE.**

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## CHAPTER V.

### THE MASSACRE.

❖ **W**ILLIAM PITT, at the head of a Tory administration, backed by a majority composed of pensioners and placemen, had, in 1793, plunged the nation into a ruinous war, which was intended to crush Republican Institutions in France, and to restore the old line of despots. This war was at first very unpopular in Britain, and was denounced with dauntless courage and transcendent ability by Fox, Sheridan, Lauderdale, and other Liberal leaders in Parliament. In 1795, the King was assailed as he passed with the cries of 'Peace! Peace! Give us bread! no Pitt! no famine! no war! Down with George!' and the State coach was pelted with stones, and the windows smashed in by an infuriated mob.

At the same period, Henry Dundas, as Secretary of State, exercised absolute authority in Scotland. He rewarded his flunkies with all manner of places under Government, and, the Habeas Corpus Act being suspended, caused those who

ventured to demand Parliamentary Reform, to be arrested and confined in filthy prisons, or sent off (after a mock trial by prejudiced judges and packed juries), to Botany Bay. There was no popular representation in Scotland at that time. Thirty members represented the counties ; but the franchise was confined to about 1500 or 2000 voters of the upper class. There were fifteen Burgh members, who were elected by self-elected Town Councils.

The disastrous effects of the war were immediately apparent. On the 5th of February 1794, the Chancellor of the Exchequer took notice of the stagnation of trade in the previous year—as dreadful as it was uncommon. In Scotland commerce was crippled, and manufactures which had been in a flourishing condition were ruined. Thousands, and tens of thousands of artisans, who had been in comfortable circumstances, were reduced to extreme misery. When they became desperate, and ‘would not starve in peace,’ troops of cavalry were sent for to trample them down. Fluxes and fevers, caused by bad and insufficient food, spread extensively amongst the poor. As the war progressed the destitution became dreadful. It is related that some poor wretches in Perth were in such a famished condition, that they dragged a cow that had died of disease out of a quarry hole, and devoured the carrion like vultures. In 1795, bread was so scarce and so dear, that at a

Court of Common Council, it was moved that the public dispense with the use of hair powder, as far as convenient, so as to economise flour, and the soldiers were prohibited from using that ornament. The sufferings of the poor even touched the head of Royalty, and King George gave orders that all the bread used in his household should be made of a mixture of meal and rye. It was said, however, to have been extremely sweet and palatable.

Whilst the people of Scotland were in this miserable condition, the Tory Lords of Justiciary mocked them with rose-coloured descriptions of the blessings they enjoyed. 'The people of this country (said the President at the trial of a Government spy for High Treason) were satisfied, and good cause they had to be so, with the blessings which they enjoyed under a system of laws, and a form of Government, the essence of which is liberty. Every man's right; every man's franchise; the fruits of his industry; the safety of his person; the exercise of his religion; his liberty; his fame; all have been secured to the utmost extent of his wish. What fair pretence then can any man have to seek for a change?'

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At the commencement of the French war, recruiting was carried on with the greatest activity in all quarters, and the sweepings of jails were utilised as food for powder. Men were

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\* Trial of Watt and Downie.

enlisted under false pretences, and some Highland Regiments broke out into general revolt. At Perth, desertions became so common in the 90th Regiment, although death was the penalty, that troops had to be posted at all the roads to keep the men from running off, and public dinners were given to keep them in good humour. The fleet at the Nore was taken possession of by mutineers, and the Thames blockaded. Press-gangs lurked in every sea-port town and pounced on the poor sailor, who had perhaps just come home from a long voyage, and sent him off to cruise in a man-of-war for years. Merchant ships were robbed of their best hands and sent in a crippled condition to sea. Even landsmen, if a Provost or Bailie was not satisfied with their conduct or circumstances, could be apprehended and sent off to fight the French. Meanwhile H. J. Pye, Esq., the Poet Laureate, wrote such patriotic verses as the following :

‘ Yet if the stern, vindictive foe,  
Insulting aim the hostile blow,  
Britain in martial terror dight,  
Lifts high the avenging sword and courts the fight ;  
On every side behold her swains  
Crowd eager from her fertile plains,’ etc.

Disgraceful defeats were celebrated as victories, with illuminations, fireworks, and bacchanalian rejoicings. As the war proceeded, taxing nets, with meshes of the smallest size, so that

nothing could escape, were drawn, and drawn again, across the exhausted nation, and as the haul was insufficient the waters were so to speak poisoned. Unconstitutional and immoral means of raising money were invented, namely Voluntary Subscriptions and Lotteries, and an enormous burden laid upon the shoulders of posterity. £375,264,941 were added in eight years to the National Debt. Within the same period £15,106,051 was paid as subsidies to various foreign powers for helping us to carry on a war, which some of these mercenaries had commenced, and which it was more their interest than it was ours, if it was any one's interest, to continue.

In 1795, petitions from all parts of the country were presented to the King, praying that his 'weak and wicked ministry' might be dismissed, and the war brought to an end. An Act for raising 6000 men in Scotland for the militia, as a trap for the regular army, came into operation that year, and was regarded with great disfavour, not only by working men, but by many of their employers. The endeavour to execute it was the cause of much disturbance throughout the whole country, and in some parishes of the Highlands the people banded together to oppose it.

The inhabitants of Tranent were bitterly opposed to the Act, and on the 28th of August 1797, being the day before the Deputy-Lieutenants were to meet there with their Lists



and Ballot-boxes, messages passed from colliery to colliery, and from parish to parish, ordering the people to assemble at Tranent. In the evening a mob two or three hundred in number had collected, and marched about the streets beating a drum, and calling out 'No Militia.' They then went to the house of Robert Paisley, the Schoolmaster, who had made out the Lists of persons liable to serve under the Act, and he having been threatened flew for safety to the house of the minister. The mob, however, demanded the parish books and Lists from his wife, all of which she delivered, with the exception of an uncorrected copy of the List which had been left where the District Meeting was to be held next day. The poor dominie was in such a state of terror that he flew at first to St. Germain's, then to Bankton, then to Prestonpans, and finally to Edinburgh—leaving his wife to take her chance—nor did he venture to return home or to open his school for a month afterwards.

Meanwhile the mob, carrying the Session books in triumph, marched to the Meadow-mill, thence to the village of Seton, and through Cockenzie and Prestonpans, beating their drum, and summoning the people to turn out and oppose the Militia Bill, and asking all they met their opinion of that measure. Intelligence of the disturbance having reached the ears of Mr. Anderson of St. Germain's, and Mr. Caddel of Tranent, two of the Deputy-Lieutenants, they sent for troops to

Haddington, and on the morning of the 29th, Captain Finlay arrived at St. Germain's with about twenty-two of the Cinque-Ports Regiment, and an order from the Marquis of Tweeddale to Mr. Anderson to collect his troop of Yeomanry Cavalry, and he accordingly gathered together twenty-two of them. But the Deputy-Lieutenants, alarmed lest these forty-four soldiers might be insufficient to deter the populace from breaking up the meeting, wrote to the Commanding Officer at Musselburgh for one or two troops of Dragoons, and two troops of the Pembrokehire Cavalry, numbering about eighty, were sent.

About eleven o'clock the Deputy-Lieutenants, riding in the rear of this escort, proceeded from St. Germain's to Tranent, and on the way saw numbers of women and children in a state of great excitement. One woman insulted Mr. Caddel by saying, 'Take care of your head, John!' On entering Tranent, and near the junction of the street with the Post road, the party found themselves surrounded by a crowd chiefly of women who were extremely clamorous and abusive, and addressed the Deputy-Lieutenants by name, and threatened them that they would not leave the town alive, and swore they would have their heart's blood before an hour was over. At the same time the sound of a drum was heard. On alighting at the door of Glen's Inn, Mr. Gray and Mr. Caddel were

rudely jostled and otherwise insulted by the multitude. Constables were stationed at the door, and the Dragoons were drawn up at the end of the village, with orders to advance should any attempt be made by the populace to break into the Inn: Business then commenced, the Deputy-Lieutenants intimating from the window that appeals would be heard from the various parishes—that of Salton being the first. This was answered by cries of ‘No Militia! no Militia!’

One Duncan, a collier, said he had a proposal to make on behalf of the people, and on being requested to state it he explained that if the gentlemen would agree that there should be no Militia, then the people would be agreeable. The proposition being rejected, Duncan retired calling ‘No Militia! no Militia!’ Appeals from the parishes of Salton and Ormiston having been disposed of, the meeting proceeded to hear appeals from Prestonpans, when a potter, called Nicholas Caterside or Coutterside, presented a round robin, signed by about thirty people, chiefly potters. This document expressed disapproval of the Militia Act for Scotland, declared that the subscribers would endeavour to resist it, and the meeting would be responsible for the consequences; that if compelled to become soldiers no reliance could be placed in them. This paper was pronounced to be highly seditious, and Coutterside was said to have been guilty of a flagrant breach of the law, which, in

consideration of his ignorance, should be overlooked at present, but an eye kept upon him. On being dismissed it was observed that the women had mostly disappeared, and that the streets were crowded with men armed with bludgeons. The mob began the attack with a heavy shower of large stones, which smashed in the window of the room where the Deputy-Lieutenants were sitting, and forced them to seek shelter in corners and passages. Mr. Caddel went to the window and tried to read the Riot Act ; but a volley of stones compelled him to retreat to his corner and read it there. The mob made violent efforts to break open the door, and a party of the Pembrokehire Cavalry were drawn up opposite the house ; but being pelted with stones, were compelled to gallop down the town. A Sergeant was knocked off his horse and wounded. Mr. Caddel went outside and informed the people that the Riot Act had been read, but a shower of stones made him run in again, and the attack on the house was resumed with greater violence than ever.

Parties of Dragoons again passed along the streets in front of the Inn, firing blank shots with their pistols ; but without making any impression on the mob, when Major Wight, looking out of the shattered window, repeatedly called out, 'There ! there !' and pointing to the people assembled in the narrow lanes opposite. As the Dragoons did not take the hint, he

cried in a loud voice 'Why don't they fire?' a question that was echoed by the rest of the Deputy-Lieutenants; when the Dragoons with cowardly ferocity fired their pistols and carbines at both man and woman. A horrible yell from the crowd told that the shots had not been without effect. A party of troopers went to the back of the house, where the openness of the ground enabled them to act with superior advantage. Some of the Cinque-Ports Cavalry were here ordered to dismount, and discharge their carbines at people who were on the tops of the houses. One man, supposed to be William Hunter, was shot, and fell dead to the ground. Thirty-six persons were secured and sent prisoners to Haddington. Not content with having driven the crowd off the streets of Tranent, the cavalry scoured the surrounding country, and without the slightest provocation or reason, shot, cut down, wounded, and killed people who were engaged at their usual work, and knew nothing of the riot.

A girl named Isobel Roger, aged nineteen, who was beating the drum, was chased by a dragoon into the passage of a house and shot dead. Three men, viz.: William Smith, William Hunter, and George Elder, were killed in the street. Peter Ness, a sawyer in Ormiston, and walking to that village, was attacked by five or six dragoons in a field on the south of Tranent, and killed and robbed of his watch. William Lawson,

carpenter in Ormiston, who was driving his cart loaded with wood from that village to Tranent, was fired at and mortally wounded by a party of cavalry. Stephen Brotherston, who had taken no part in the riot, was walking with his wife and an old man named Crichton on the Ormiston Road about a mile from Tranent, and, seeing a party of cavalry coming, stepped into a field by the wayside. One of the dragoons fired at and mortally wounded Brotherston; and whilst the poor man was being supported by his wife and friend, another dragoon entered the field and gave Crichton six strokes with his sword, one of which cut his nose to the bone. The dragoon then turned to Brotherston and struck him repeatedly, whilst the wife cried, 'Oh, strike me rather than my poor man, for they have shot him already!' to which the soldier answered with an oath. A boy named Kemp, thirteen years of age, ran into a field beside the road to Ormiston, but was pursued by a dragoon, who stabbed him in the breast, and with repeated blows cleft his head in two. Alexander Moffatt and John Adam were also murdered by the dragoons, and the pockets of the latter emptied.\* Eleven people were killed, and many severely wounded, in this disgraceful affair. Attempts were made by the relations of the murdered persons to get the offenders prosecuted; but the Lord Advocate declined to institute prosecu-

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\* Miller's *Lamp of Midlothian*.

tions, and lodged a complaint instead against the Agent whom the relations had employed to procure precognitions, for having advised his clients to take such a step, but the complaint was dismissed by the Court of Justiciary as incompetent. The affair was burked.

The four Deputy Lieutenants addressed a letter\* to the Marquis of Tweeddale, Lord Lieutenant of the county, giving a full account of the riot, but omitting any allusion to the massacre. The letter contains this passage :

‘We cannot conclude this Address without expressing our high sense of the temperate, firm, and spirited conduct of the officers employed on this occasion. We have no hesitation in declaring, that to their exertions we owe the preservation of our lives, and that by their means only we were enabled to discharge the duty prescribed to us by the Act of Parliament.’

At this distance of time, one can pronounce an impartial judgment on the Tranent massacre, and the Deputy Lieutenants may be acquitted of all culpability in the matter. But it is notable, as a sign of the times, what a high value they put upon

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\* See *Anti-Jacobin*, vol. i. p. 59.

their own skins, and how little on those of the 'rabble.' The killing of eleven poor people, and the wounding of many more, is not worth mentioning. The blood of the slain rests, with oceans more, on the Tory ministry, who plunged the nation, in spite of all remonstrance, into an unjust, unnecessary, and ruinous war, and in a lesser degree on the cowardly ruffians who committed the murders.







*CHAPTER VI.*



**STIELL'S CHARITY SCHOOL.**





## CHAPTER VI.

### STIELL'S CHARITY SCHOOL.

**F**ROM the benighted Past, with its monstrous superstitions and fiendish cruelties, its stupid wars and merciless oppressions, it is a relief to turn for a moment to the enlightened Present, with its philanthropic schemes for the elevation of the poor; and although it be foreign to the subject which I have chosen, and to which I ought to confine myself, I hope the indulgent reader will allow me, before bidding him good-bye, to give a small sketch of Stiell's Charity School.

On the 30th of January 1812, George Stiell, who was a native of Tranent, and a blacksmith in Edinburgh, departed this life, leaving a trust deed and settlement, dated 27th January 1808, whereby he disposed the residue and remainder of his estate, heritable and moveable, for the establishment, endowment, and maintenance of a Hospital in the village of Tranent, or its immediate neighbourhood, for the aliment, clothing, and education of poor children for ever—children

belonging to the parish of Tranent having the preference, and failing them, children belonging to the parishes of Prestonpans, Gladsmuir, and Pencaitland in succession.

The Hospital, a plain but spacious edifice, was erected in 1822 upon a low piece of ground to the north of Tranent, which must have been part of the morass that prevented the Highlanders from attacking Cope in their favourite way in 1745. The site may have been selected for other reasons; but at all events it is perfectly symbolical of the purpose for which the Hospital was built, namely, to act in a humble and unostentatious way as a nursing mother to the poor and lowly. The building has no neighbours except the poor, and it seems to say that it has no interest in any class but that.

For a time the mortification was conducted agreeably to the 'pious imagination' of the founder; but in 1850 the Rev. William Cæsar was appointed Minister of the parish of Tranent, and became sole Governor and Director of the Hospital. No sooner had he got hold of the helm than he put about the ship, and shaped a course entirely opposite to that which Stiell had drawn upon the chart. The founder had clearly stated that he intended the funds to be devoted to the education of the poor; but the trustee resolved that they should on the contrary be spent in educating the well-to-do. The Hospital was built so to speak as a nest for little hedge-sparrows; but the minister

jumped in like a cuckoo, and laid an egg, which he hoped in course of time would be hatched, and produce a bird that would grow in bulk and strength until it was able to elbow out the legitimate occupants. In plain language, children of well-to-do parents of the middle-class were admitted to the Charity School at a nominal fee. New branches of instruction were started ; but these were only for the benefit of those who could afford to pay fees. The number of teachers was increased, the expense of whose board and maintenance was paid out of the trust-funds. Prior to 1870, the number of children residing in the Hospital was reduced to eight, and after that date these were also pushed out, and the establishment was turned into a day school. In 1872-73, of 126 children attending the school only sixty-six were free day scholars, the remaining sixty being children of well-to-do parents who had no right to be there, and who had kept out the same number of children for whom the charity was designed.

The gross annual income of the trust estate amounted to upwards of £800, and in return only sixty-six children received a free education, whereas 400 poor children it was calculated ought to have been educated for the sum. The Director then issued a circular, calling upon the respectable inhabitants to assist him in carrying out his darling plot for the diversion of the funds, with which he had been entrusted. Of his intro-

missions he never published any account, but it was conjectured that at least £5000 had been misapplied.

In 1874, a number of the parishioners who had an interest in the proper management of the charitable bequest, and whose children were entitled to the benefit of it, raised an Action of Declarator against the Rev. William Cæsar and others, Governors and Directors of the Hospital, and the Court of Session in 1877 decided that 'no part of the funds, property, and revenue of the said charity, can be legally employed for the education of persons who, being able to pay for their education, are not poor children within the meaning of the founder's trust disposition and settlement,' and there their Lordships should have stopped; but unfortunately they added a clause which neutralised the one quoted, and which, when cleared of its circumlocution and legal fog, means, that children who have no right to enter Stiell's Charity School may do so if they pay large enough fees; but not to the exclusion of children who have a right to be there.

But the persevering Director fell upon a plan for obtaining a more radical innovation, and for securing accomplices to enable him to keep it when once it was got. By a Provisional Order, obtained by petition from the Secretary of State of the Beaconsfield Government under the Endowed Institutions (Scotland) Act of 1878, it was directed that a sum not less

than one-fifth and not more than one-fourth of the free annual income of the trust shall be applied in payment of the fees of such children in attendance at the elementary classes in George Stiell's Institution, or in the public schools of the parishes of Tranent, Prestonpans, Gladsmuir, and Pencaitland, as are orphans, or are the children of parents who, not being on the poor's roll, or receiving parochial relief, are yet in such necessitous circumstances as to require assistance in providing education for their children, it being always provided that a sum of not less than £60 shall be applied in favour of the children of such parents as have been resident in the parish of Tranent for a period of at least two years.'

Thus it is ordained by this Provisional Order that only £60 of the annual income (now amounting as already stated to upwards of £800), derived from the funds left by George Steill, for the aliment, clothing, and education of the poor children in the parish of Tranent, are to be spent in the way he directed—that those who have a preferential right to the whole income are only to benefit from it to the extent of a thirteenth. The School Rates, which amount to £750, prove that there are many poor children in the parish of Tranent who have a claim to assistance from the funds left by Stiell, and who receive none; but are robbed of their rights, and the cost of their education laid upon the public.



The poor children of Tranent were, according to the will of Stiell, to be first helped ; but even when their preferential claim is set aside, and they are made to share and share alike with the children of Prestonpans, Gladsmuir, and Pencaitland, the amalgamated children are, by the Provisional Order, only to benefit to the extent of one-fifth, or one-fourth (at the discretion of the trustees), of the income left for their sole behoof by Stiell.

Power has been granted to the trustees to award bursaries to the poor pupils ; but as the number of bursaries is indefinite, and as they can be given, withheld, or withdrawn at the discretion of the trustees, they cannot be taken into account in calculating the benefits to which the poor children are entitled under the Provisional Order.

Power has also been given to award scholarships by competitive examinations, which are to be open to all pupils who have attended the institution or the public schools in the said parishes for at least two years, which means that the well-to-do children are to have another chance of scrambling for the money that was left by Stiell to the poor alone. To stop a man upon the road, to pick his pockets, and offer the contents to any of the bystanders who can leap highest, permission being granted to the plundered man to join in the competition, would not be a more dishonest transaction than it is to award

such scholarships out of the funds left by Stiell.

These bursaries and scholarships help to mistify the subject a little, but the fact nevertheless stands out in bold relief that the poor children of the parish of Tranent, on whom the whole income of the property left by George Stiell should have been expended, are only to benefit by it to the extent of a thirteenth.

The egg intruded with such audacity is hatched, and the young cuckoo (or paying scholar) has grown large and vigorous, and will soon push the poor hedge-sparrows over the nest which was intended for them, and them alone. By that iniquitous Provisional Order, it is directed that the trustees shall have power to admit and receive into the institution such number of paying scholars as they may think fit, on payment of such fees as they may from time to time fix, it being always provided that the fees so fixed shall in no case be less than those exacted at the public schools of the said parishes for the same branches of instruction. The Provisional Order also grants power to the head master, with consent of the trustees, to receive children as boarders at such annual rate of payment for board and education as may be approved of by the trustees.

Not only has Stiell's Hospital (or the man at the wheel) struggled hard and long to evade the duty which it was intended by the founder to perform, namely, the education of poor chil-

dren, and to spend the funds bequeathed to it for that purpose in giving a superior education to children who require no charitable assistance; but it even forgets, and would fain make others forget, its humble, though benevolent, origin and purpose. It does not now call itself a Hospital or a Charity School (as it really is or ought to be) but an Endowed Institution. Like the frog in the fable who tried to emulate the ox, it fancies it will be able to blow itself up to the size of a College. It looks down on the Public Schools, and sends raw materials to them to be rough-dressed, and returned to the Institution to get the finishing touch. It not only affronts the public teachers (who even as a matter of policy ought to be treated with the utmost respect), but it disheartens them by taking away their most promising pupils just at the stage of cultivation when they would confer a credit on, and gain the Government Grant for, the school.

It may sometimes be necessary, in a world so subject to unlooked for vicissitudes as this, to alter the letter of a will; but reverential obedience should be paid to the spirit where the intention of the testator, if it were honestly and wisely carried out, would tend to the benefit and not to the injury of mankind. If the founder of a school, forgetful that fashions change, should direct that all the boys be dressed in blue gowns and yellow stockings, it would be preposterous to obey

that order when the costume had become ridiculous. But the intention of the testator, which was that a decent dress be provided for the boys, should be remembered and obeyed. In like manner it may have been necessary to turn Stiell's Hospital into a day school (although the trustees by now allowing the Rector to advertise for paying boarders, admit that a mistake was made when the free boarding system was abolished), or to make any other reasonable changes, but the intention of the founder (which was that the funds he bequeathed should be devoted to the education of the poor children of Tranent, and after them of the poor children of Prestonpans, Gladsmuir, and Pencaitland) should not be forgotten or contravened. Not a child who is able to pay a fee is entitled to enter Stiell's Charity School, or can do so without defrauding the poor. Although the fees charged for the admission of pupils who have no right to be there have been raised so that the Charity School may not appear to be underselling the public school, there can be no fair competition between them, for pupils may be sent to the former in the belief, right or wrong, that they will enjoy advantages arising from the funds which they will not obtain in the latter. The fixing of the fees for instruction at Stiell's Charity School at not less than the fees exacted at the public school is only a little dust thrown in the eyes of the public.

But perhaps the cleverest stroke played by the parish minister was in getting a number of simple gentlemen (with himself at their head) appointed trustees by the Provisional Order to watch over the scheme to the accomplishment of which he had devoted nearly thirty years. He took care to keep the reins in his own hands, until he had driven the vehicle so far up the road that it was impossible to turn back, and then with a crafty appearance of fairness he says he does not want to do all the driving. Probably not one of the gentlemen he has now got on the box would have been induced to take the road the minister did at the start, but now they lay the 'flattering unction to their souls' that they will look after him, and see that he does not run into ditches and mud-holes or against fences. They try to forget that they are on the wrong road—a road they cannot pursue without trampling on the rights of the poor.

George Stiell's intention, as expressed in his will, was that the funds he bequeathed should be spent in educating the poor for ever, and it seems right and proper that this laudable intention should be carried out to the utmost, and as much education got for the money as possible. The Charity School ought (for the sake of economy as well as from the state of perversion into which it has sunk) to be abolished, and the income accruing from the funds left by George Stiell devoted

to the payment of the fees of poor children at the public schools, who are at present a burden on the ratepayers. If well-to-do parents wish to get a better education for their children than can be obtained at the public school, they ought to start a select school and maintain it at their own expense. At present they say to the poor children, 'You are vulgar and nasty and my children would be contaminated in your company, therefore I will take the money that was left by that stupid old blacksmith for your benefit and educate my children with it, and send you to the public school, and leave the public to pay for you.'

I have hitherto spoken as if the diversion of the funds left by George Stiell from the purpose he intended was a question which only concerned the poor; but in reality it is one which is of greater consequence to the rich. If trustees are permitted to disobey a Last Will and Settlement, and to spend the funds in a way that the testator never contemplated, who would be at the trouble to make a will? Who would toil and pinch for a lifetime to save funds to do some great good to the public or to private friends if a trustee had the liberty to say: 'I see old Skinflint wishes me to expend £1000 of the money he left in purchasing a life-boat; but I think a yacht will be a better investment—a cruise next summer will do my family and me a world of good. He has left £250 for the support

of his daughter; but I had better hand that over to the 'Clergymen's Grandmothers' Fund'—his daughter can work for her living. He wants £20,000 to be spent in erecting a local museum and picture gallery—nonsense! I can get the church restored for that sum and a new manse built—and so on. Once allow that a Will can be broken at the pleasure of a trustee, or without some urgent reason maturely considered, and it will lead to a complete derangement of all human affairs.



*Tombstone in Tranent Churchyard—date about the middle of the  
Seventeenth Century.*











